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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,440	07/10/2001	Dennis R. Ulbrich	22578.3	5506

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EXAMINER	
LUGO, CARLOS	
ART UNIT	**PAPER NUMBER**
3677	

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/902,440	ULBRICH ET AL.	
	Examiner	Art Unit	
	Carlos Lugo	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8,9 and 17-21* is/are pending in the application.

4a) Of the above claim(s) *1-7 and 10-16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8,9 and 17-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *See Office Action* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on August 11, 2003.

Drawings

2. The drawings filed on July 10, 2001 and in August 11, 2003 (corrections) were approved by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 8,17 and 21 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Prior Art in view of US Pat No 3,780,546 to Longenecker or in view of US Pat No 5,052,203 to Van Cuyk.

The Prior Art discloses a locking apparatus for a gooseneck trailer hitch. However, the Prior Art fails to disclose the use of a hasp bar insertable into a slot of the retainer bracket and means to lock the hasp bar in the slot.

Longenecker teaches that is known in the art to have a hasp bar (18) inserted into a slot on a retainer bracket (5) and means (15) to lock the hasp bar to the retainer bracket.

Van Cuyk also teaches that is known in the art to have a hasp bar (50) inserted into a slot on a retainer bracket (30 and 40) and means (48) to lock the hasp bar to the retainer bracket.

It would be obvious to one having ordinary skill in the art at the time the invention was made to use a padlock, as taught by either Longenecker or Van Cuyk, into a gooseneck trailer hitch as described by the Prior Art, in order to lock the gooseneck trailer hitch.

5. **Claims 9 and 19 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Prior Art in view of US Pat No 3,780,546 to Longenecker or in view of US Pat No 5,052,203 to Van Cuyk and further in view of US Pat No 4,699,395 to Hale.

The Prior Art, as modified by either Longenecker or Van Cuyk, fails to disclose that the hasp bar engages a latch handle of the locking apparatus.

Hale teaches that is known in the art to have a hasp bar engaging a latch arm (32) when the hasp bar is inserted into a slot on a retainer bracket (30) and means to lock the hasp bar to the retainer bracket (Figure 1).

It would be obvious to one having ordinary skill in the art at the time the invention was made to have the hasp bar engaged to a latch arm when the hasp bar is inserted into a slot on a retainer bracket and then locked, as taught by Hale, into a gooseneck trailer hitch as described by the Prior Art, as modified by either Longenecker or Van Cuyk, in order to lock the gooseneck trailer hitch.

6. **Claims 9 and 19 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Prior Art in view of US Pat No 3,780,546 to Longenecker or in view of US Pat No 5,052,203 to Van Cuyk and further in view of US Pat No 2,204,882 to Berluti.

The Prior Art, as modified by either Longenecker or Van Cuyk, fails to disclose that the hasp bar engages a latch handle of the locking apparatus.

Berluti teaches that is known in the art to have a hasp bar engaging a latch arm (23) when the hasp bar is inserted into a slot on a retainer bracket (15) and means to lock the hasp bar to the retainer bracket (Figure 1).

It would be obvious to one having ordinary skill in the art at the time the invention was made to have the hasp bar engaged to a latch arm when the hasp bar is inserted into a slot on a retainer bracket and then locked, as taught by Berluti, into a gooseneck trailer hitch as described by the Prior Art, as modified by either Longenecker or Van Cuyk, in order to lock the gooseneck trailer hitch.

7. **Claims 18 and 20 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Prior Art in view of US Pat No 3,780,546 to Longenecker or in view of US Pat No 5,052,203 to Van Cuyk and further in view of US Pat No 4,380,160 to Hoffman.

The Prior Art, as modified by either Longenecker or Van Cuyk, fails to disclose the use of a combination lock body.

Hoffman teaches that is known in the art use a combination lock body (50, Col. 4 Lines 42-47).

It would be obvious to one having ordinary skill in the art at the time the invention was made to have to use a combination lock body, as taught by Hoffman, into a device as described by the Prior Art, as modified by either Longenecker or Van Cuyk, because it will not affect the locking engagement of the elements and it will perform as well as a common lock body (padlock).

R spons to Arguments

8. Applicant's arguments filed on August 11, 2003 have been fully considered but they are not persuasive.

Regarding applicant's arguments that Longenecker and Van Cuyk are not analogous art (Page 8 line 18), Longenecker and Van Cuyk are indeed analogous art. Longenecker and Van Cuyk teach a hitch locking apparatus, same art as the invention claimed.

As to applicant's arguments that it is impossible to combine the Prior Art with the teachings of either Longenecker or Van Cuyk (Page 9 Line 17), the Prior Art, as modified by either Longenecker or Van Cuyk, discloses the invention as claimed.

The Prior Art only fails to disclose the use of a hasp bar, in combination with a lock body, in order to inserted through a hole in the retainer, in other words, the use of a common padlock to lock the apparatus (as seen in Figures 12 and 13).

Longenecker and Van Cuyk teaches that is known in the art to have a hitch lock having a retainer with a hole, wherein a hasp bar, in combination with a lock body (a common padlock) is used to secure the apparatus.

As to applicant's arguments that there is no motivation to combine the Prior Art with the teachings of Longenecker and Van Cuyk (Page 10 Line 9), it would be obvious to combine the Prior Art with the teachings of either Longenecker or Van Cuyk, in order to lock a hitch.

As to applicant's arguments that neither Longenecker nor Van Cuyk discloses all the limitations claimed (Page 11 Line 1), the Prior Art already disclose the basic limitations claimed (see rejection above).

As to applicant's arguments that the Prior Art, as modified by Longenecker or Van Cuyk, and further as modified by Hale, fails to disclose the invention as claimed (Page 12 Line 3), Hale is provided to show that is known in the art to have a hasp bar with a lock body (a common padlock) securing a handle.

As to applicant's arguments that Hale is not analogous art (Page 12 Line 7), Hale teaches a hitch locking apparatus, same art as the invention claimed.

As to applicant's arguments that there is no motivation to combine the Prior Art, as modified Longenecker or Van Cuyk, with the teachings of Hale (Page 12 Line 17), it would have been obvious to made this combination in order to secure the latch arm (see the rejection above).

As to applicant's arguments that Longenecker, Van Cuyk or Hale discloses all the limitations claimed (Page 13 Line 4), the Prior Art already discloses the basic limitations claimed (see rejection above).

As to applicant's arguments that Berluti is not analogous art (Page 14 Line 6), Berluti teach a hitch locking apparatus, same art as the invention claimed.

As to applicant's arguments that there is no motivation to combine the teachings of Longenecker, Van Cuyk and Berluti with the Prior Art (Page 14 Line 16), it would have been obvious to make this combination in order to secure the latch arm (see the rejection above).

As to applicant's arguments that Longenecker, Van Cuyk or Berluti discloses all the limitations claimed (Page 15 Line 3), the Prior Art already discloses the basic limitations claimed (see rejection above).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Carlos Lugo
Examiner
Art Unit 3677

September 2, 2003.

ROBERT J. SANDY
PRIMARY EXAMINER